

EXHIBIT CC

**CITY OF OLEAN
FIRE DEPARTMENT****CONFIDENTIAL****Incident Report February 15, 2021
FF Melfi Fail to Report**

Captain Jennings reported to me at 0915 that FF Melfi has failed to report for duty. I have instructed Captain Jennings to initiate an Incident Report and to please submit that to me by the end of his shift, which I received at 1035. In a review of the report there are violations against *The City of Olean Fire Department's Rules and Regulations* as well as the *Collective Bargaining Agreement*. Here is a summary of the violations:

1. Violation of *Rules and Regulations of the City of Olean Fire Department* "Section 4, Article 6" in which Firefighter Melfi failed to report for duty.
2. Violation of *City of Olean Fire Department Administrative Standard Operating Procedures "SOP #102.07"* in which Firefighter Melfi failed to call-in to Captain Jennings, his Officer-in-Charge.
3. Violation of "Section 8.2.2" of the *Collective Bargaining Agreement* in which Firefighter Melfi never applied, either verbal or written, for the day off in lieu of a Holiday through the Office of the Fire Chief or his Commanding Officer.
4. Potential Violation of "Section 10.4.3" of the *Collective Bargaining Agreement* in which FF Melfi requested a sick day after realizing that today was not a holiday per the *Collective Bargaining Agreement* which borders upon providing or acquiescing false information regarding a potential "Sick Leave Application."

I have interviewed Captain Jennings, Firefighter Veno and Firefighter Melfi and all accounts of what transcribed are similar. During the Firefighter Melfi Interview, Captain Jennings was present and we expressed what he did wrong regarding the above violations. FF Melfi did apologize and realized it was his fault and he should have handled this differently.

I am recommending that he be docked 8 hours pay for the day as he did fail to report. This will be documented as a Written Reprimand due to multiple training issues with this instance and I want to ensure that he does not make the same mistake again. This will be part of his permanent employee file.

Respectfully Submitted,

Timothy C. Richardson
Fire Chief
Cc: Terry Gaylor

Fire Chief
Timothy Richardson
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City of Olean
Dept. of Fire, Buildings and E.S.
Code Enforcement Division

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716-376-5683, 716-376-5707 (fax)

To: Chief Richardson

February 15, 2021

From: Captain Jennings

Re: Justin Melfi

Dear Chief,

I noticed this morning that FF Melfi had not reported for duty in our Codes Office. Being my first day back from vacation I questioned Tracy Veno on the matter and wondered if I missed something. He stated that he knew nothing as to why FF Melfi was off other than he may have thought today was a Holiday or something.

Tracy Veno reached out to Justin at approximately 8:30 am to see where he was as firemen usually do. Tracy stated he did get a hold of Justin about the matter. Justin informed him that he thought that today was a Holiday and didn't come in. Tracy informed him it was not a holiday in the Fire Departments contract and is not a day off for us. Justin told him at that time that he was not going to come in and that he will just have to take a sick day, after which Tracy told me. I was not contacted by FF Melfi at all.

At about 9:45 am Justin texted Tracy back and said that he would just use a Fridays Holiday for today. Tracy in turn told me. Again, I as the officer have not yet heard anything from FF Melfi. As for actions of the employee, he has tried to comply to his contractual responsibilities as an employee. This letter is for verification of this incident and I am looking for direction on the matter. Either we can consider him AWOL or issue the Holiday with a reprimand of sorts. Up to you sir but I am open for discussion on the matter. Thank you.

Sincerely,

Captain Jennings

Firefighter Melfi Interview
February 16, 2021

Firefighter Melfi was interviewed as to what had occurred yesterday and his reason for missing work. He acknowledged that Tracy contacted him to see if he was coming to work, FF Melfi thought it was a holiday and FF Veno notified him that it was not a holiday. FF Melfi said to put him down sick and later in the morning realized that he could not do that and wanted to move Friday's Holiday to February 15th. I stated that it was good that he did not put down as a sick day as he would have had to falsify a "Sick Leave Slip." He acknowledged that he was in town and I asked why he could not come into work and due to the time it would take him to get ready he would have missed a significant amount of his shift. I also reminded him that in order to move a holiday that request has to be handled through his OIC or the Fire Chief and the CBA states at least 5 days prior to approve the move but that can be deviated from by the Fire Chief. Captain Jennings stated that we are different and he could have come in and work his 8 hours. After discussion he apologized, realized his errors and stated he would be more cognizant.

This is a summary of the interview that took place on February 16, 2021 at approximately 1315 – 1330. FF Melfi, Captain Jennings and Chief Richardson were present.